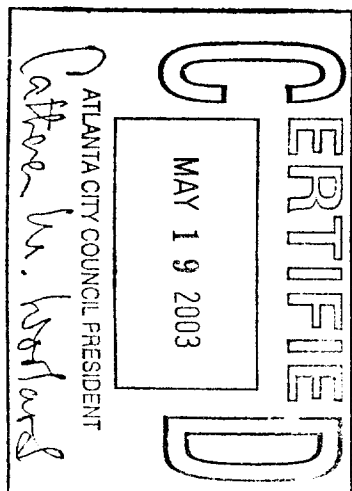


03-*P*-0744

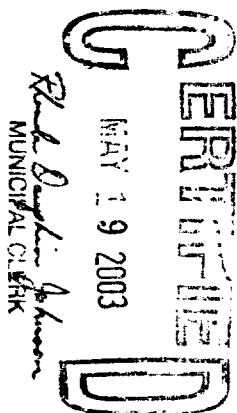
Entered - 03/26/03 - sb  
CL03L0233 - DIANNE C. MITCHELL



CLAIM OF: **MARQUIS STEWART, a minor,**  
**through his attorney,**  
**David M. Sobell**  
**1720 Peachtree Street, NW**  
**Suite 929**  
**Atlanta, Georgia 30309**

For damages alleged to have been sustained as a result of  
an injury due to the collapse of the stairs on September 21,  
2002 at the Cascade Pines Apartments.

THIS ADVERSED REPORT IS APPROVED



BY: \_\_\_\_\_

**JERRY L. DELOACH**  
**DEPUTY CITY ATTORNEY**

## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 5/13/03

CHAIR: \_\_\_\_\_

C. J. Martin

P. J. Smith

\_\_\_\_\_



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

May 27, 2003

David M. Sobell  
Attorney at Law  
1720 Peachtree St., NW  
Suite 929  
Atlanta, GA 30309

03-R-0744

RE: Marquis Stewart, a minor

Dear Attorney Sobell:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on May 19, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0233

Date: April 23, 2003

Claimant /Victim MARQUIS STEWART, a minor  
BY: (Atty) David M. Sobell  
Address: 1720 Peachtree Street, NW, Suite 929, Atlanta, Georgia 30309  
Subrogation: Claim for Property damage \$ Bodily Injury \$ Not Stated  
Date of Notice: 03/17/03 Method: Written, proper X Improper         
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 09/21/02 Place: Cascade Pines Apartments  
Department        Division:         
Employee involved        Disciplinary Action:       

NATURE OF CLAIM: The claimant, through his attorney, alleges that he was injured when the stairs he was walking on collapsed. The investigation determined that the location where the incident occurred is privately owned and not the responsibility of the City of Atlanta. The claimant's attorney has been so advised.

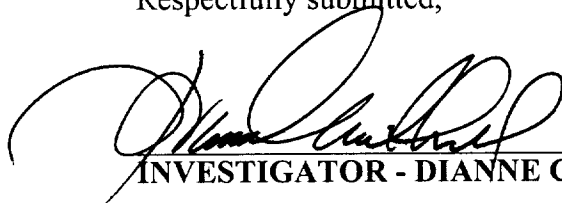
### INVESTIGATION:

Statements: City employee        Claimant        Others        Written        Oral         
Pictures        Diagrams        Reports: Police        Dept Report        Other         
Traffic citations issued: City Driver        Claimant Driver         
Citation disposition: City Driver        Claimant Driver       

### BASIS OF RECOMMENDATION:

Function: Governmental        Ministerial         
Improper Notice        More than Six Months        Other        Damages reasonable         
City not involved X Offer rejected        Compromise settlement         
Repair/replacement by Ins. Co.        Repair/replacement by City Forces         
Claimant Negligent        City Negligent        Joint        Claim Abandoned       

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

### RECOMMENDATION:

Pay \$        Adverse X Account charged: 1A01        2J01        2H01        2P01         
Claims Manager:        Concur/date 04-30-03  
Committee Action:        Council Action

RCS# 4717  
5/19/03  
2:39 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-14 Except:03-O-0456; 03-R-0598  
03-R-0703; 03-R-0773; 03-R-0788  
Adopt

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

Y Smith	B Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
B Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

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**5/19/03 FULL COUNCIL MEETING**

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**Items Adopted on the Consent Agenda**

- |               |               |
|---------------|---------------|
| 1. 03-O-0601  | 36. 03-R-0726 |
| 2. 03-O-0551  | 37. 03-R-0727 |
| 3. 03-O-0552  | 38. 03-R-0728 |
| 4. 03-O-0600  | 39. 03-R-0729 |
| 5. 03-O-0554  | 40. 03-R-0730 |
| 6. 03-O-0617  | 41. 03-R-0731 |
| 7. 03-O-0632  |               |
| 8. 03-O-0633  |               |
| 9. 03-O-0660  |               |
| 10. 03-O-0772 |               |
| 11. 03-O-0628 |               |
| 12. 03-O-0759 |               |
| 13. 03-R-0655 |               |
| 14. 03-R-0700 |               |
| 15. 03-R-0701 |               |
| 16. 03-R-0704 |               |
| 17. 03-R-0784 |               |
| 18. 03-R-0785 |               |
| 19. 03-R-0707 |               |
| 20. 03-R-0708 |               |
| 21. 03-R-0709 |               |
| 22. 03-R-0718 |               |
| 23. 03-R-0782 |               |
| 24. 03-R-0713 |               |
| 25. 03-R-0714 |               |
| 26. 03-R-0716 |               |
| 27. 03-R-0760 |               |
| 28. 03-R-0768 |               |
| 29. 03-R-0774 |               |
| 30. 03-R-0776 |               |
| 31. 03-R-0779 |               |
| 32. 03-R-0722 |               |
| 33. 03-R-0723 |               |
| 34. 03-R-0724 |               |
| 35. 03-R-0725 |               |

**Items Adversed on the  
Consent Agenda**

- 42. 03-R-0732
- 43. 03-R-0733
- 44. 03-R-0734
- 45. 03-R-0735
- 46. 03-R-0736
- 47. 03-R-0737
- 48. 03-R-0738
- 49. 03-R-0739
- 50. 03-R-0740
- 51. 03-R-0741
- 52. 03-R-0742
- 53. 03-R-0743
- 54. 03-R-0744
- 55. 03-R-0745
- 56. 03-R-0746
- 57. 03-R-0747
- 58. 03-R-0748
- 59. 03-R-0749
- 60. 03-R-0750
- 61. 03-R-0783

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Consent I Vote: 13Yeas; 0 Nays: (See RCS #4717)

Items Removed from the Consent Agenda: 03-O-0456; 03-R-0598; 03-R-0703; 03-R-0773; 03-R-0788

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